

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DONNA M. KOZAK,

Defendant.

8:12CR344

ORDER

This matter is before the court on the motion to continue by defendant Donna M. Kozak (Kozak) (Filing No. 325). Kozak seeks a sixty day continuance of the trial scheduled for April 28, 2014. Kozak has submitted an affidavit in accordance with paragraph 9 of the progression order whereby Kozak consents to the motion and acknowledges she understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 326). Kozak also requests a Rule 17.1 hearing prior to trial. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Kozak's motion to continue trial (Filing No. 325) is granted.
2. Trial of this matter is re-scheduled for **June 30, 2014**, before Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **April 4, 2014, and June 30, 2014**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

IT IS FURTHER ORDERED:

A rule 17.1 conference will be held in Courtroom No. 7, Second Floor, Roman L. Hruska U.S. Courthouse, 111 South 18th Plaza, Omaha, Nebraska, **at 9:30 a.m. on June 3, 2014**, before the undersigned magistrate judge for the purpose of facilitating the admission of documents for the June 30, 2014, trial. Prior to the conference, the parties will exchange documents and exhibit lists to be offered at trial so that any trial objections to documents may be resolved, if possible.

DATED this 4th day of April, 2014.

BY THE COURT:

s/ Thomas D. Thalken
United States Magistrate Judge